IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

LA.App..No. 1712 of 2002()

(L.A.R.NO.4/2001 ON THE FILE OF THE SUB COURT, ALAPPUZHA)

APPELLANT: RESPONDENTS:
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1. STATE OF KERALA.REPRESENTED BY THE EXECUTIVE ENGINEER
ROADS DIVISION, ALAPPUZHA

2. SPL.TAHASILDAR, LAND ACQUISITION,
ALAPPUZHA.

BY GOVERNMENT PLEADER SRI.K.V.MANOJ

RESPONDENTS: CLAIMANTS:

KUNJAMMA GOWRIAMMA,
KOTTARATHIL, THAKAZHY.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P..NO.6659 /2002 IN L.A.A.NO.1712/2002

DISMISSED.

18-9-2007 SD/- KURIAN JOSEPH, JUDGE

SD/- HARUN-UL-RASHID, JUDGE

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.1712 of 2002

Dated this the 18th day of September, 2007

JUDGMENT

Kurian Joseph,J.

This appeal is filed against the judgment and decree in L.A.R.No.4/2001 on the file of the Sub Court, Alappuzha. The acquisition was for the purpose of Thakazhy bridge. On the side of the claimant, AW1 was examined and Ext.A1 judgment in L.A.R.No.206/1989 was produced. The acquisition in that case was for Alappuzha-Kayamkulam railway line. The acquisition was in 1987. The land value fixed therein was Rs.4,000/- per cent. According to AW1 the property covered by the present acquisition is far more important than the one covered by Ext.A1. It has come out in evidence that the property is situated near to several institutions like church, temple, schools, government offices, banks etc. and that the same is also lying adjacent to Thiruvalla-Ambalapuzha State High Way. It also abuts the Pamba river. For reasons best known to the State, it is seen that there was no cross-examination. The learned Government Pleader strenuously contended that even assuming that there is the unchallenged evidence of AW1, the fact remains that the reference court itself has entered a finding that ".... the claimant has not been

able to produce documents which would show the value of the properties similarly situated and which has been acquired more or less near to the acquisition in this case". Though we would have thought of remitting the matter, we are afraid it may not serve any purpose for the State since in 1987 the land value conceded for the acquisition in Ext.A1 is Rs.4,000/- per cent. Referring to the mahazar the reference court has found that the property under acquisition is lying adjacent to a gravel road and the property is also near to the Thakazhy ferry. The fixation of land value at Rs.7,000/- in 1999 in a situation where the State conceded land value at Rs.4,000/- in 1987, cannot be held to be unreasonable. True, there cannot be any mathematical precision in land acquisition matters regarding fixation of land value. Taking note of several factors, some of which are referred to by us above, only the fixation in this case has been made. Thus there is no merit in this appeal. It is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A.No.1712 of 2002

JUDGMENT

18th September, 2007